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*Ans*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/443,947	11/19/1999	SHAI MOHABAN	50325-098	7979

29989 7590 11/21/2003

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EXAMINER

WAXMAN, ANDREW

ART UNIT PAPER NUMBER

2667

DATE MAILED: 11/21/2003

*14*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/443,947	MOHABAN ET AL.	
Examiner	Art Unit	
Andrew M Waxman	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Amendment A, filed 8 October 2003, with respect to Claim Rejections 35 USC §112 1<sup>st</sup> Paragraph have been fully considered and are persuasive. The Rejection of Claims 2, 3, 5, 6, 8, 9, 11, 13, 14, 16, and 20 – 22 has been withdrawn.

Applicant's arguments with respect to the 35 USC § 102 rejection of claims 1 – 17 and 19 – 22, and the 35 USC § 103 rejection of claim 8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 – 17 and 19 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zaumen et al. (US 6,118,760) in view of Hegde (US 6,570,875), hereinafter referred to as Zaumen and Hegde.

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Regarding claims 1, 7, 12, and 17, Zaumen discloses a network flow of data packets that is examined by the packet header for evaluation against QoS requirements stored in memory (114), where a packet will be forwarded based on the association of data out of the system (col. 5 lines 47 – 54), with entries that can be made to the memory for the priority and QoS (col. 6 lines 38 – 42, and col. 10 lines 8 – 20).

Zaumen does not expressly disclose the network flow being a bi-directional network flow.

Hegde discloses a system and method for automatically applying a QoS treatment to a network flow (see abstract) where the network flow is bi-directional (see col. 21 lines 28 – 35).

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to use the invention, as disclosed by Zaumen, in conjunction with a bi-directional network flow, as disclosed by Hegde.

One of ordinary skill in the art would have been motivated to do this in order to implement the more efficient use of the fixed space available in the memory for storing network flow entries in both directions of a bi-directional network flow, thereby creating a more efficient system.

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Regarding claims 2, 3, 8, 9, 13, 14, 20, and 21, Zaumen further discloses a matching process of designating a QoS value for data traffic, and a forwarding process for sending the data after the packet QoS is identified in the memory (col. 5 lines 47 – 54).

Regarding claims 5, 6, 11, 16, and 22, Zaumen further discloses RSVP (col. 6 lines 60 – 63 and col. 8 lines 60 – 64).

Regarding claims 4, 10, 15, and 19, Zaumen further discloses a forwarding memory being contained in a hash table (col. 5 lines 36 – 39).

***Claim Rejections - 35 USC § 103***

2. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zaumen in view of Hegde, and further in view of Aukia et al. (US 6,594,268), hereinafter referred to as Aukia.

Regarding claim 18, Zaumen in view of Hegde discloses all of the limitations as recited above with respect to claims 1 – 17 and 19 - 22.

Zaumen in view of Hegde does not expressly disclose a plurality of links on the network communicating the process used for QoS and data flow communication.

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Aukia discloses a QoS and network topology information are collected for each packet flow through one or more routers of the packet network and providing an optimum path for QoS requirements necessary in the packet flow (col. 4 lines 58 – 67).

Therefore, at the time the invention was made it would have been obvious to one of ordinary skill in the art to have combined the multiple access router configuration of QoS flow management and path designation.

One of ordinary skill in the art would have been motivated to do this in order to allow for data flows to be internetworked outside of the local packet measuring device.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew M Waxman whose telephone number is (703) 305-8086.

The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Andrew M. Waxman

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600 11/19/03